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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF SECRETARY

In the Matter of )  
 )  
 Amendment of the Commission's Rules ) WT Docket No. 97-81  
 Regarding Multiple Address Systems )  
 )

To: The Commission

**REPLY COMMENTS OF THE AFFILIATED AMERICAN RAILROADS**

The Affiliated American Railroads<sup>1/</sup> by their undersigned counsel, hereby submit their Reply Comments in response to comments submitted by parties regarding the Notice of Proposed Rule Making ("NPRM") in the above-captioned proceeding.<sup>2/</sup>

The railroad industry agrees with those commenters who urged the Commission to allocate the 928/956/958 MHz bands solely for the private, internal use of MAS licensees.<sup>3/</sup> As described by numerous commenters, such an allocation is necessary because the demand for MAS spectrum by private, internal users is extremely high and will grow as these users expand their communications systems to match the growth of

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1/ The Affiliated American Railroads consist of four Class I railroads operating in the U.S. and Canada: Canadian National, Conrail, CSX and Union Pacific.

2/ Amendment of the Commission's Rules Regarding Multiple Address Systems, Notice of Proposed Rule Making, WT Docket No. 97-81, FCC 97-58 (released February 27, 1997)("NPRM").

3/ See, e.g. The American Petroleum Institute ("API") Comments at 5; Data Address Systems Partnership Comments at 4; Delmarva Power and Light Company Comments at 2; Puget Sound Energy, Inc. Comments at 3; Southern California Edison Comments at 2; UTC, The Telecommunications Association ("UTC") Comments at 16-18.

their industries.<sup>4/</sup> This phenomenon was described well and succinctly in the comments of Microwave Data Systems: "America's infrastructure industries need more, not less, MAS capacity on a site-by-site basis."<sup>5/</sup> As described in the Comments of the Affiliated American Railroads, the railroad industry's deployment of MAS is not complete.<sup>6/</sup> As railroads expand their operations, sufficient wireless communications capacity must be available for their operational and safety uses. MAS are an important part of the railroads' wireless communications systems, providing the critical "last mile" link in railroad communications networks for operational and safety functions. These important uses of MAS by the railroads illustrate the need for a sufficient portion of MAS spectrum to be allocated solely for private, internal use. The clear majority of commenters addressing this issue supported the Commission's tentative proposal to allocate these bands solely for the private, internal use of the licensee.

The majority of commenters also supported the continuation of site-by-site licensing for private MAS users and opposed any suggestion that these uses be licensed by geographic area. These commenters noted that site-by-site licensing was appropriate for private, internal MAS users as they only require spectrum for specific areas.<sup>7/</sup> Several parties also noted that geographic area licensing would be an inefficient use of MAS

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4/ See API Comments at 6-8; UTC Comments at 4.

5/ See Microwave Data Systems Comments at 2.

6/ See Affiliated American Railroads Comments at 6.

7/ See Cooperative Power Association Comments at 4-5; Wells Rural Electric Company Comments at 4 (private users build out their MAS systems in a deliberate "as needed" fashion).

spectrum as private users would be licensed for a much larger area than they need for their site-specific, private operational needs.<sup>8/</sup>

A number of commenters concurred with the railroads that the 25 mile protected service area proposed by the Commission may be inadequate to protect incumbent MAS licensees from harmful interference from geographic licensees if the Commission adopts geographic licensing. Black & Associates stated that many MAS operations will require protection areas well beyond this 25 mile area,<sup>9/</sup> while Alligator Communications, Inc. noted that MAS private users, including railroads, will exceed the 25 mile service area.<sup>10/</sup> CellNet Data Systems, Inc. suggested that a 45 mile radius protection area would be more appropriate for the protection of incumbents than a 25 mile area.<sup>11/</sup>

Several commenters also shared the railroads' concern that geographic licensing may constrain the ability of incumbent MAS licensees to expand their systems. Comsearch stated that geographic licensing would create "economic and operational serfdom" where incumbents are controlled by geographic licensees.<sup>12/</sup> Delmarva Power and Light opposed geographic licensing because it would mean that an incumbent licensees' systems would be "frozen from a licensing standpoint, with expansion or substantial modification of their system[s] left to the uncertainty of reaching agreement

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<sup>8/</sup> See API Comments at 30; GTECH Corporation Comments at 6.

<sup>9/</sup> See Black & Associates Comments at 7-8.

<sup>10/</sup> See Alligator Communications, Inc. Comments at 2.

<sup>11/</sup> See CellNet Data Systems, Inc. Comments at 27.

<sup>12/</sup> See Comsearch Comments at 5.

with a geographic licensee."<sup>13/</sup> The railroads agree with the concerns expressed by these commenters and urge the Commission not to adopt rules which would restrain incumbent licensees' ability to expand their MAS systems to meet their growing need for private, internal communications.


V. Conclusion

For the foregoing reasons, the railroads respectfully request the Commission to allocate the 928/956/958 MHz bands solely for the private, internal uses of licensees and to continue licensing this band on a site-by-site basis. The railroads also urge the Commission to ensure that incumbent MAS licensees are protected adequately from any interference by geographic licensees and are not constrained by the adoption of any geographic licensing scheme from expanding their MAS systems to meet increasing demands.

Respectfully submitted,

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<sup>13/</sup> See Delmarva Power and Light Company Comments at 5.

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing "Reply Comments of the Affiliated American Railroads" was served by first-class mail, postage prepaid, this 15th day of May, 1997 to the following persons:

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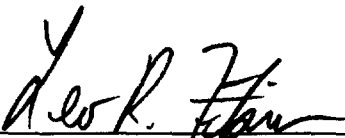
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